

The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
January 25, 2012
10:00 a.m.

A regular meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted on Wednesday, January 25, 2012 at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601.

Members Present

Ava H. Eaves, Chairperson
Jane K. Faith, Secretary
Mara Beth Womack
Jean Jones
Leona Gilliam
Dr. Sandra Bastin

Occupations and Professions

Karen Lockett, Board Administrator
Jeremy Horton, Deputy Executive Director
Courtney F. Bourne, Executive Director

Members Absent

Carolyn Breeding

Others in Attendance

Michael West, Board Counsel
Latasha Buchner, PPC Legal Services
Emily Smith – Dietetic Intern
John Stefan – Kentucky Ethics Commission

Call to Order

Ms. Eaves, Chair called the meeting to order at 10:00 a.m.

Approval of Minutes

Ms. Faith made a motion to accept the November 16, 2011 minutes. Ms. Jones seconded the motion. Motion carried.

Board Monthly Financial Report

The Board reviewed and discussed the financial report. No action taken.

Board Chair Report

No Report

O&P Update Report

Mr. Horton introduced Ms. Courtney F. Bourne, Executive Director to the Board. Mr. Horton reviewed and discussed the New Memorandum of Agreement. Mr. Horton introduced Ms. Latasha Buchner, PPC Legal Services. Ms. Gilliam made a motion to accept the New Memorandum of Agreement and for the Ms. Eaves, Board Chair to sign. Ms. Womack seconded the motion. Motion carried.

Board Counsel Report

The Board reviewed and discussed the letter from Mr. Ryan Halloran, Assistant Director, Office of Civil and Environmental Law. Mr. Halloran letter was regarding Legal Representation. Mr. Halloran wanted to thank the board for retaining the Office of the Attorney General as legal counsel to the Board. Mr. Halloran stated that as before, the Board will be billed at the rate of \$100.00 per hour for legal advice and for legal services such as drafting regulations, and \$125.00 per hour for litigation services related to actions commenced in administrative proceedings and in the courts. Mr. Halloran stated that the Office of the Attorney General is excited about the mission of the Board and look forward to providing the Board with efficient and effective legal services. No action taken.

New Business

The Board reviewed and discussed an e-mail from Ms. Tarah Marsden-Bruno regarding Kentucky Licensure for Dietitians. Ms. Marsden-Bruno 1st question was Does Kentucky address telehealth in its statutes for licensure of dietitians/nutritionist? 2nd question was Is Kentucky licensure title protection only or does it also cover scope of practice? Ms. Faith made a motion for Mr. West, Board Counsel to respond to Ms. Marsden-Bruno stating that Kentucky Statutes do briefly touch on telehealth in KRS 312.200, however that provision does not answer her question. The answer to the second question, Kentucky law is a practice act on its fact, but an exemption under KRS 310.070(3) swallows the rules. As a result, Kentucky law primarily only offers title protection. Ms. Womack seconded the motion. Motion carried.

The Board reviewed and discussed an e-mail from Ms. Deborah Williamson stating that she is a parent of a teenage daughter who was asked to view a video by the Jefferson County Public Schools. Ms. Williamson stated that it the video is available on their website entitled "sports safety video". Ms. Williamson stated that she believes that Ms. Murray is providing nutrition education and is not a licensed or certified dietitian or nutritionists. Ms. Faith made a motion for Mr. West, Board Counsel to respond to Ms. Williamson stating that Pursuant to KRS 310.070(2)(d), nutrition educators in the schools are exempted from licensure. Further, even if she was not exempt, her statements may have been acceptable as long as she did not represent herself as a dietitian or nutritionists. Ms. Gilliam seconded the motion. Motion carried.

The Board reviewed and discussed an e-mail from Ms. Willa Thomas. Ms. Thomas stated that recently she noticed a signed posted on the bulletin board at the local recreation center announcing that a new service, nutrition counseling is being officered. Ms. Faith made a motion for Mr. West, Board Counsel to respond to Ms. Thomas stating that it doesn't appear as though there is a violation of law although, it is very close. While Kentucky law sounds as a practice

act, the exceptions largely swallow the rule and it primarily offers title protection. As long as he/she does not call themselves a dietitian or nutritionist, it is acceptable. Ms. Gilliam seconded the motion. Motion carried.

The Board received a letter from the Commission on Dietetic Registration. The letter stated that the American Dietetic Association will be known as Academy of Nutrition and Dietetics. The website address is www.eatright.org

Ms. Eaves made a motion for Karen Lockett, Board Administrator to scan and send the meeting packet a week before the board meeting. The board meeting packet will then be on a flash drive and projected onto the screen at the upcoming meetings. The Agenda and Financial report will be provided. Board members may bring their packet if needed. Ms. Jones seconded the motion. Motion carried.

Old Business

No report

Continuing Education Reviews and Approval

Dr. Bastin made a motion that the following continuing education program(s) and hours be **approved** as specified below:

- Jennifer Alvis – Drink Water First – Approved for 1.0 hr
- Pam Anderson – Drink Water First – Approved for 1.0 hr
- Karen J. Barnes – Coordinated School Health Institute – Approved for 5.0 hours
- Ellen Behrend – Company meeting and educational symposium – Approved for 4.0 hours
- Laura Benninger – Drink Water First – Approved for 1.0 hr
- Jane Faith – Effect of Food Additives on Hyperphosphates – Approved for 0.5
- Starr Gantz – The Drama of it all: The Teenage years – Approved for 1.0 hr
- Starr Gantz – Drink Water First – Approved for 1.0 hr
- Gaya Hart – Dietary Clinical Training for long term care – Approved for 7.0 hours
- Gaya Hart – Dietary Clinical Training for long term care – Approved for 7.0 hours
- Anna Jones – Meeting the Challenges to improve cardiovascular outcomes – Approved for 9.0 hours
- Andrea Norris – Women’s Conference, A day just for Women – Approved for 3.0 hours
- Amy W. Parrish – Drink Water First – Approved for 1.0 hr
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- Mary S. Sewell - Childhood and Adolescent Weight management - Approved for 13.0 hours
- Crystal Smith - Drink Water First - Approved for 1.0 hr

Ms. Jones seconded the motion. Motion carried.

Ms. Faith recused herself during the approval of Continuing Education Programs.

Applications for Licensure

Dr. Bastin made a motion for the approval of applications as specified below:

- Kamesha N. Burrell - LD
- Caroline M. Crow - LD
- Kiley DePrima - LD
- Kimberly Jane Dryer - LD
- Megan L. Fleece - LD
- Amanda Lea Harshman - LD
- Joseph Adam Higgins - LD
- Jennifer N. Jerles - LD
- Suzanne C. Mattingly - LD
- Allison Powell O'Neal - LD
- Laura E. Pedigo - LD
- Dirk Timothy Pounds - LD
- Linsey Lynn Ramage - LD
- Dustin T. Reed - LD
- Kerry M. Risner - LD
- Laura Ann Serke - LD
- Emma Fern Umberger - LD
- Loyanne Wilson - LD
- Poliana Leite - LD

Ms. Jones seconded the motion. Motion carried.

Approved Audits

Dr. Sandra Bastin made a motion for the approval of Audits as specified below:

- Pamela J. Acey
- Lisa Arvin
- Leila A. Elam
- Jackie Fraley
- Megan Gough
- Amanda Fugate

Ms. Jones seconded the motion. Motion carried.

Reinstatement Reviews & Approvals

Dr. Sandra Bastin made a motion for the approval of Reinstatements as specified below:

- Sherri Blair - Approved
- Linda Brooks- Approved
- Crystal Buchanan- Approved
- Angie Collier- Approved
- Shirley Hudson- Approved
- Lora J. Huff- Approved
- Brandy s. McDaniel- Approved
- Melissa Omohundro- Approved
- Dee Paradowski- Approved
- Cassandra Payne-Durbin- Approved
- Peggy L. Spohr- Approved
- James S. Stover- Approved
- LaBerta W. White- Approved
- Loyanne Wilson - Approved
- Mary Morgan- Deferred

Ms. Jones seconded the motion. Motion carried.

Approval of Travel/Per Diem

Ms. Faith made a motion to approve travel and per diem for this meeting. Ms. Womack seconded the motion. Motion carried.

Page Six
Minutes
January 25, 2012

Next Scheduled Meeting

- Complaint Committee – March 28, 2012 @ 9:30
- Regular Board Meeting – March 28, 2012 @ 10:00

Adjournment

Ms. Faith made a motion to adjourn the meeting at 11:10 a.m. Ms. Eaves seconded the motion. Motion carried.

Ms. Janet Cox, Fiscal Department attended the meeting to explain the Travel vouchers.

Board Meeting Date

March 28, 2011

Approved:

Ava E. Eaves, Board Chair

Minutes prepared by Karen Lockett, Board Administrator